



Humboldt County Department of Health and Human Services
Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

NOTICE AND ORDER 09-01

Compliance Order and Notice of Penalties

March 5, 2009

Property Owner: Bradley Rother
16845 Maple Creek Rd
Korbel CA 95550

Operator: Bradley Rother
16845 Maple Creek Rd
Korbel CA 95550

Subject Operation: Northcoast Quality Compost
3000 St. Louis Rd.
Arcata CA 95521
SWIS # 12-AA-0111
APN 507-071-001

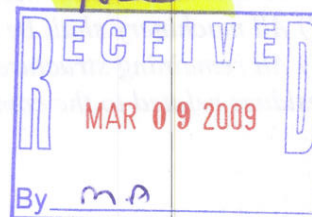
Violations: California Code of Regulations (CCR) Title 14 Chapter 3.1 §17870(b)
and §17870(c)

The Humboldt County Department of Health and Human Services, Division of Environmental Health (DEH), as the Local Enforcement Agency (LEA) for the California Integrated Waste Management Board (CIWMB), as described in the Public Resources Code (PRC) §45011, issues this Notice and Order to:

Bradley Rother at the following addresses:

16845 Maple Creek Rd
Korbel, CA 95550

3000 St. Louis Rd
Arcata, CA 95521



BACKGROUND

Northcoast Quality Compost, a green material compost operation allowed under the Notification tier of 14 CCR Division 7 Chapter 3.1, receives a minimum of four routine inspections per year by the LEA since the operation began in July, 1999. The operation ceased accepting green material in the spring of 2006.

On May 30, 2006 this office received written notification from the operator describing his intent to cease operations and perform site restoration by the end of summer of 2007. On September 19, 2007 the operator provided LEA with a written request for a reduced inspection invoice and extended site restoration time to "end of February 2008." Based on this statement and in good faith, this office approved both requests.

Subsequent routine inspections occurred on November 16, 2007 and February 27, 2008. On April 22, 2008, Notice and Order 08-02 Corrective Action Order and Notice of Penalties was issued to Bradley Rother, owner and operator of Northcoast Quality Compost by the LEA on April 22, 2008. Routine LEA inspections occurred on May 15, 2008, August 19, 2008, and November 12, 2008. An inspection requested by and in conjunction with the California Integrated Waste Management Board staff occurred on January 13, 2009. The corrective actions contained in Notice and Order 08-02 were not conducted, the operator is in violation of that Notice and Order, and the site holds an estimated 2950 cubic yards of composted material (per CIWMB and LEA 1-13-09 inspection).

PLEASE TAKE NOTICE THAT Humboldt County Department of Health and Human Services, Division of Environmental Health, acting as the certified Local Enforcement Agency (LEA) for Humboldt County, herein provides notice to Bradley Rother, property owner and operator, that conditions at Northcoast Quality Compost constitute a violation of *CCR Title 14 Division 7 Chapter 3.1 §17870(b)&(c)*.

NORTHCOAST QUALITY COMPOST IS IN VIOLATION OF:

CCR Title 14 Division 7 Chapter 3.1 §17870 All compostable materials handling operations and facilities shall meet the following requirements:

(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:

(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed of.

(2) All machinery shall be cleaned and removed or stored securely.

(3) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.

PLEASE TAKE FURTHER NOTICE THAT the conditions at Northcoast Quality Compost meet the definition of disposal defined in Title 14 CCR, Division 7, Chapter 3.1 §17852(a)(15).

CCR Title 14 Chapter 3.1 §17852(a)(15)(A). "Disposal" means: stockpiling of compostable material onto land for a combined period of time greater than six months, or agricultural and green material for twelve months on prime agricultural land as defined in Government Code section 51201, unless the RWQCB, in consultation with the EA, makes a written finding that the material may remain within the operations area for a period of time greater than specified.

PLEASE TAKE FURTHER NOTICE THAT BRADLEY ROTHER IS HEREBY ORDERED TO CORRECT the stated violations by complying with the following time schedule:

1. At least 30 days **prior to beginning removal** of the compost and compostable material, provide written notice of the proposed action to the LEA.
2. By April 3, 2009 and by completing and submitting Attachment #1, provide to the LEA an accurate measurement of the volume of all compost and compostable materials that exist onsite as of the date of this Order.
3. By May 1, 2009 and by completing and submitting Attachment #2, provide to the LEA each proposed destination, the volume proposed for delivery to each proposed destination, and the intended use at each proposed destination of the compost and compostable material calculated in 1) above.
4. By June 30, 2009, complete site restoration as specified in CCR 14 §17870 (c)(1)(2)(3).

BE FURTHER NOTIFIED THAT PURSUANT TO PRC §45000 and §45010.1 if the recipient of this Notice and Order fails to comply with the timelines of the Order to take corrective action, the Humboldt County Department of Health and Human Services, Division of Environmental Health, as the LEA:

- 1) May take action to impose administrative civil penalties
- 2) May contract for corrective action

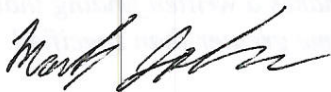
BE FURTHER NOTIFIED THAT:

- 1) Pursuant to PRC §44307 the person named in this Notice and Order **HAS THE RIGHT TO APPEAL THIS** Notice and Order to the Hearing Panel.
- 2) A request for a hearing before the Hearing Panel must be filed within 15 days from the date of receipt of this Notice and Order (PRC §44310). The enclosed CIWMB Form 218 may be used. Fee to accompany the request for Hearing is \$1,091.00.

Under penalty of perjury, I, Mark Johnson, state that the allegations contained in this Notice and Order are based on personal knowledge. Knowledge of the allegations was obtained by visual observation of the site conditions on August 6, 2007, November 16, 2007, February 27, 2008, May 15, 2008, August 19, 2008, November 12, 2008, and January 13, 2009.

Issued this date: 3/6/09

Signature of authorized employee of the LEA



Enclosures: CIWMB Form 218, LEA 2008-2009 Fee Schedule, Attachment #1, Attachment #2

C: Debbie Knight, CIWMB
Scott Beckner, CIWMB
Northcoast Quality Compost Operation File SWIS# 12-AA-0111
AP file 507-071-001

1997

Attachment #2



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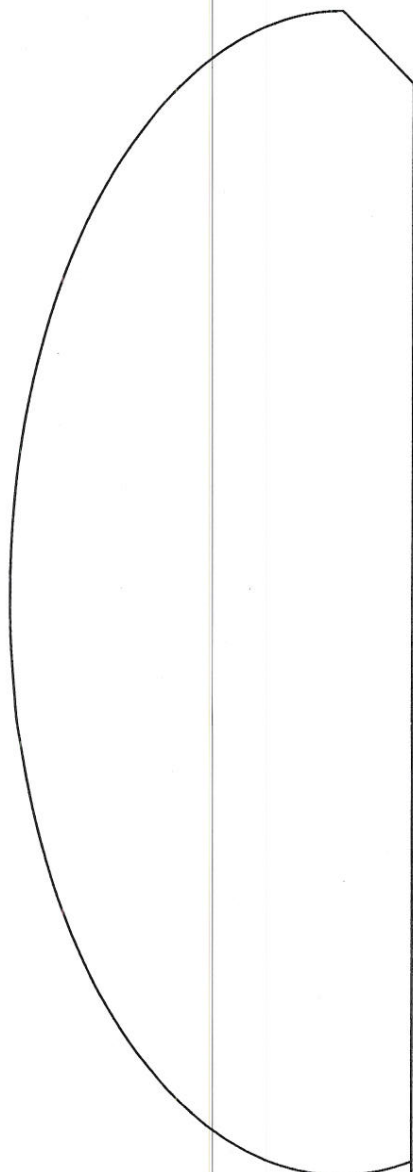
PILE _____ L x _____ W x _____ average H (in feet) = _____ cubic yards

PILE _____ L x _____ W x _____ average H (in feet) = _____ cubic yards

PILE _____ L x _____ W x _____ average H (in feet) = _____ cubic yards

PILE _____ L x _____ W x _____ average H (in feet) = _____ cubic yards

= _____ cy on site



Identify Pile locations on the generalized map at left of
Northcoast Quality Compost.



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Local Enforcement Agency Program Fee Schedule Effective October 27, 2008

Fee Description	Fee Amount
Annual Inspection Fees	
Landfill:	
Closed Municipal Solid Waste Landfill Inspection Fee:	
With approved closure plan	\$1,635.00
Without approved closure plan	\$4,906.00
Municipal Solid Waste	\$9,321.00
Non-Municipal Solid Waste (Active)	\$3,598.00
Non-Municipal Solid Waste (Closing or Inactive)	\$1,199.00
Compost and Transfer / Processing Facility Fee	\$4,088.00
Solid Waste Operation Fee (Notification Tier)	\$1091.00
Solid Waste Facility/Operation Re-inspection Fee (per hr.)	\$136.00
Solid Waste Vehicle Inspection Fee (per hr.)	\$136.00
Permit and Review Fees:	
Hearing Panel Fee	\$1091.00
New Solid Waste Operation-Agency Notification	\$816.00
New Solid Waste Facility (Registration, or Standardized Permit)	\$2,720.00
New Full Solid Waste Facility Permit	\$6,800.00
Report of Facility Information Amendment	\$2,040.00
Permit Revision	\$5,440.00
Periodic Facility Review	\$4,080.00
Cleanup Grant Eligibility Review	\$816.00
Exemption from Solid Waste Facility Permit	\$816.00
Local Enforcement Agency Project Review (per hour)	\$136.00
LEA Solid Waste Tipping Fee (per ton of solid waste)	\$2.56/ton

REQUEST FOR HEARING

Before the Local Solid Waste Hearing Panel or Hearing Officer

Public Resources Code (PRC) 44310 et. seq.

Enforcement Agency:			
Facility Name:		SWIS No:	
Facility Address:		City:	Zip Code:

Name of Petitioner:			
	Requests a Hearing in the matter of (check one):		
<p><input type="checkbox"/> Challenge terms and/or conditions of the <input type="checkbox"/> proposed (PRC 44307) or <input type="checkbox"/> issued (CCR 21650(g)) Solid Waste Facility Permit (SWFP)</p> <p><input type="checkbox"/> Appeal an enforcement order (PRC 44307, 45017(b))</p> <p><input type="checkbox"/> Alleged failure of the EA to act as required by law or regulation (PRC 44307)</p> <p><input type="checkbox"/> Appeal completeness review of <input type="checkbox"/> Registration (CCR 18104.4) or <input type="checkbox"/> Standardized (CCR 18105.4) SWFP.</p> <p><input type="checkbox"/> Denial of the SWFP (PRC 44300)</p> <p><input type="checkbox"/> Suspension of the SWFP (PRC 44305)</p> <p><input type="checkbox"/> Revocation of the SWFP (PRC 44306)</p> <p><input type="checkbox"/> Denial of Proposed RFI Amendment(s) (CCR 21665)</p>			

Statement of the Issues (Appellants may wish to add additional pages to fully explain the legal and factual basis for their appeal) :	<input type="checkbox"/> Check if additional pages are attached.

Signature:		Typed Name:	
Title:		Date:	